



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
DARRELL V. MCGRAW, JR.
CONSUMER PROTECTION DIVISION
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Press Release

FOR IMMEDIATE RELEASE

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Adam Toler Memorial Funeral Home Is Enjoined From Engaging In Preneed Funeral Business

On December 3, 2009, Attorney General Darrell McGraw filed a Complaint against Adam Toler Memorial Funeral Home, Donna Toler, Daniel Toler and Rebekah Cline in the Circuit Court of Wyoming County. A show cause hearing was held March 23, 2010 before the Honorable Robert Chafin. At the hearing, the respondents admitted the funeral home misappropriated consumers' preneed funeral contract funds and had not complied with the reporting and licensing requirements of the Preneed Act. In light of these admissions, Judge Chafin enjoined the respondents from selling, making available, or providing preneed funeral contracts and ordered the funeral home to transfer its current preneed contracts to other funeral homes in the area.

Attorney General McGraw sued Adam Toler Memorial Funeral Home after his office conducted an audit and discovered misappropriations; that preneed contracts had not been reported to the Preneed Division; and that funerals paid for in advance had been performed but the expenditures had not been disclosed to the Preneed Division. The audit also revealed that consumer accounts had been levied by the Internal Revenue Service and that the funeral home had failed to replace the consumer funds.

"My office oversees the preneed funeral business to protect and ensure West Virginia consumers receive the funeral they requested and for which they paid. In this case, the funeral home has not only refused to comply with the requirements that protect consumers, but took consumers' hard earned money" said Attorney General McGraw.

Any customer of Adam Toler Memorial Funeral Home suspecting that their prepayments may have been mishandled should contact the Attorney General's Consumer Protection Hotline, at (800) 368-8808, or (304) 558-8986.

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